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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Thomas Rios,

Petitioner,

v.

Brian Williams, et al.,

Respondents.

Case No.: 2:23-cv-01661-APG-VCF

**Order Dismissing Improperly Commenced
Habeas Proceeding**

Petitioner, a Nevada prisoner, has submitted a petition for writ of habeas corpus under 28 U.S.C. § 2254. ECF No. 1-1. Petitioner has not filed an application to proceed *in forma pauperis* or paid the filing fee. *See* 28 U.S.C. § 1915(a)(2) and Local Rules LSR 1-1, 1-2. Because this matter has not been properly commenced, it is dismissed. The dismissal is without prejudice to bringing a **new** action under 28 U.S.C. § 2254 with either the \$5.00 filing fee or a completed application to proceed *in forma pauperis* on the proper form with both an inmate account statement for the past six months and a properly executed financial certificate.

I THEREFORE ORDER that this action is dismissed without prejudice.

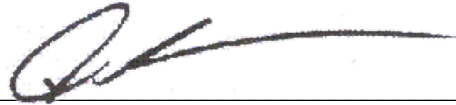
I FURTHER ORDER that a certificate of appealability is denied as jurists of reason would not find my dismissal of this improperly commenced action without prejudice to be debatable or incorrect.

I FURTHER ORDER that the Clerk shall send petitioner two copies each of an application form to proceed *in forma pauperis* for incarcerated persons and a noncapital Section

1 2254 habeas petition form, one copy of the instructions for each form, and a copy of the papers
2 that he submitted in this action.

3 I FURTHER ORDER that the Clerk shall enter judgment accordingly and close this case.

4 Dated: October 18, 2023

A handwritten signature in dark ink, appearing to read 'A. Gordon', is written over a horizontal line.

U.S. District Judge Andrew P. Gordon